

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MANIJEH MAGGIE MAZAHERI (SWEET APPLE DAYCARE, LLC), SP 2014-PR-106 Appl. under Sect(s). 8-305 and 3-1203 of the Zoning Ordinance to permit a home child care facility. Located at 9860 Sweet Mint Dr., Vienna, 22181, on approx. 1,520 sq. ft. of land zoned R-12 (Cluster). Providence District. Tax Map 48-1 ((10) 2. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on February 4, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the property.
2. There is a favorable staff recommendation, and the Board adopts the rationale in the staff report.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Manijeh Maggie Mazaheri, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 9860 Sweet Mint Dr., and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "Plat Showing House Location on Lot 2, Cyrandall Valley North," prepared by Manijeh Mazaheri on March 11, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

4. The hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday. The applicant shall continue to operate with her approved hours of operation (6:45 a.m. to 5:30 p.m.) until granted a revised license approving the requested hours of operation (7:00 a.m. to 6:00 p.m.).
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be twelve.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m.
8. The approval of this use is contingent on the applicant's continued right to utilize community parking spaces or other common amenities necessary for the operation of the home child care facility, including the ability to make the reserved parking spaces available for drop off and pick up of children during hours of operation.
9. There shall be no signage associated with the home child care facility.
10. Any portions of the dwelling associated with the home child care facility that are used as children's sleeping areas shall be located in rooms with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
11. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.
12. All final inspections and building permits must be obtained and approved for the existing deck and wetbar located in the basement. Until these permits are obtained, the applicant shall not utilize the area below the deck or the food preparation area for the home child care.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

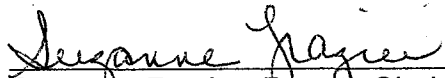
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning

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Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Byers seconded the motion, which carried by a vote of 5-0. Ms. Theodore was not present for the vote. Mr. Smith was absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, appearing to read "Suzanne Frazier", is written over a horizontal line.

Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals